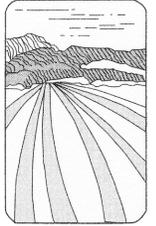




Transaction Verification Program Procedures Handout



What is transaction verification?

Transaction Verification is a program of the Oregon Department of Agriculture, Measurement Standards Division used to prevent consumer fraud and ensure fair competition by verifying that scales are properly functioning and scale users are correctly operating their scales. This program is carried out in a number of different ways, including screening packaged products for net contents compliance.

Package checking procedures

Oregon adopts National Institute of Standards and Technology (NIST) Handbook 133 Checking the Net Contents of Packaged Goods, as a procedural guide for compliance testing of net content statements on packaged goods. This handbook was developed to serve as a guide for regulatory officials, but may also be useful for industry in understanding how net contents testing is conducted. [Oregon Administrative Rules (OAR) 603-027-0170]

What is tare?

Tare (pronounced târ) is the weight of the packaging material (container, wrappers, soakers, etc). In Oregon, the word “weight” when referring to the quantity of any commodity means net weight (i.e., does not include the weight of any packaging materials). [Oregon Revised Statutes (ORS) 618.231]

What are the different types of tare?

NIST Handbook 133 describes three different types of tare that may be used in net contents testing: unused dry tare, used dry tare, and wet tare. The three types of tare are described below:

Unused dry tare:

All unused packaging materials (including glue, labels, ties, etc.) that contain or enclose a product. It includes prizes, gifts, coupons, or decorations that are not part of the product.

Used dry tare:

Used tare material (including glue, labels, ties, etc.) that has been air dried, or dried in some manner to simulate the unused tare weight. It includes all packaging materials that can be separated from the packaged product, either readily (e.g., by shaking) or by washing, scraping, ambient air drying, or other techniques involving more than “normal” household recovery procedures, but not including laboratory procedures like oven drying. Used Dry Tare is available regardless of where the packages are tested.

Wet tare:

Used tare material where no effort is made to dry the tare material. Free-flowing liquids are considered part of the tare weight. If Wet Tare is used to verify the net weight of packages of fresh poultry, hot dogs, and franks that are subject to the USDA regulations, the inspector must allow for moisture loss.

What type of tare does Oregon use for determining net contents compliance?

When screening packages that are packaged, weighed, and labeled at the retail location, Oregon applies unused dry tare. For screening packages that are not packaged at the retail location, Oregon applies used dry tare.

What process does Oregon follow for checking net contents compliance?

In Oregon there are multiple processes used to check the net contents of packaged goods. The first is an initial screening process, second is a specific screening process, and third is a field testing process which is used only for packages that are not packaged at the retail store.

Initial Screening process

In an effort to cover as many products as possible and to use the least destructive type of testing available, we employ a preliminary screening process during our inspections. We screen products looking for any indication that the product contains less than the stated net contents. In this manner, we can cover many more products and conduct net contents field tests only when there is an indication that the product may be short weight.

In the initial screening process, the inspector will first identify a lot (collection of identically labeled packages available for inspection at one time) of packages to screen. The number of lots to screen will depend upon the case size. The inspector will gross weigh one package from the lot to determine if it meets net weight, based upon a surveillance tare. If the package meets net weight using the surveillance tare, the inspector will move on to the next lot. If the package appears to be short weight, two more packages from the lot will be selected. If at least one of the additional packages appears to be short weight and the package is packed at the retail store, the inspector will begin a specific screening. If the package is not packaged at the retail location, the inspector may conduct an official field test.

Specific Screening Process

In the specific screening process, the inspector will open one package to determine the exact number of soakers in the package. Then the inspector will obtain unused dry tare samples at the location to verify the tare weight of the package. The inspector will then continue to weigh the remaining packages in the lot to determine net contents compliance.

If at least half of the packages in the lot meet their stated net weight, the lot passes. However, if any packages are found with a negative error of 0.02 pounds or more, the inspector will ask to have those packages re-weighed and re-labeled. If more than half of the packages are short weight, the lot fails the screening. The packages will need to be pulled from the shelf and re-weighed and re-labeled. For every two lots that fail the specific screening, five more lots will be added to the initial screening sample size.

Field Testing Process

For packages that are not packed at the retail store level the Inspector may conduct an official field test following the guidelines as specified in NIST Handbook 133 utilizing used dry tare.

How are inspection results determined?

If 10% or more of the lots initially screened fail the specific screening (for packages packed at the retail location) or the field test (for packages not packed at the retail location), a Notice of Noncompliance will be issued to serve as notification of findings and to indicate the corrective action required to avoid further enforcement action.

Notification of results

The inspector will review inspection results and leave copies of all paperwork with the person in charge at the location at the time of inspection. Each inspection is also followed-up with a letter including results sent to a corporate contact for each location. Our goal is voluntary compliance. Remember that it is the responsibility of the business to ensure their packages are meeting their stated net contents at the time of sale.

Where can I find more information?

NIST Handbook 133: <http://ts.nist.gov/WeightsAndMeasures/h1334-05.cfm>

ORS Chapter 618: <http://www.leg.state.or.us/ors/618.html>

OAR Chapter 603: http://arcweb.sos.state.or.us/rules/OARS_600/OAR_603/603_027.html

Contact us

This information is designed to help businesses stay in compliance with Oregon's requirements. We are here to work with you. If you have any questions please contact our Transaction Verification Specialist Josh Nelson by phone 503-986-4751, fax 503-986-4784, email jnelson@oda.state.or.us, or visit our website <http://oregon.gov/ODA/MSD>.